



Dep & Ref  
Room #307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 DEC 23 PM 3:19

In re Patent Application of

NAKAZAWA et al.

Atty. Ref.: 249-161

Serial No. 09/771,942

Group: 2863

Filed: January 30, 2001

Examiner: M. Nghiem

For: INK CARTRIDGE AND INK JET PRINTER

\* \* \* \* \*

December 16, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR REFUND OF NOTICE OF APPEAL FEE**

An Amendment After Final Rejection was filed at the Patent Office window on May 3, 2004. The MPEP provides that such Amendments are typically considered within ten (10) days after receipt by the Examiner. See, MPEP §714.13, providing that "Any amendment timely filed after a final rejection should be immediately considered to determine whether it places the application in condition for allowance or in better form for appeal. An examiner is expected to turn in a response to an amendment after final rejection within 10 calendar days from the time the amendment is received by the examiner. A reply to an amendment after final rejection should be mailed within 30 days of the date the amendment is received by the Office." Emphasis added.

After several months and repeated status inquiries by telephone, Applicants were forced to file a Notice of Appeal in order to maintain pendency of the application in the

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NAKAZAWA et al.  
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event the application was not allowed. Subsequently, a new non-final Office Action was mailed on September 14, 2004, over four (4) months after filing the Amendment After Final.

In view of the above, due to the Patent Office delay in handling this matter, Applicants request a refund of \$1,280.00 for the Notice of Appeal fee (\$330.00) and the three (3) month Extension of Time fee (\$950.00).

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: Alan M. Kagen  
Alan M. Kagen  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt: 249-161

C# M#

NAKAZAWA et al.

TC/A.U.: 2863

Serial No. 09/771,942

Examiner: M. Nghiem

Filed: January 30, 2001

Date: August 3, 2004

Title: INK CARTRIDGE AND INK JET PRINTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

☐ Correspondence Address Indication Form Attached.

☒ **NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting applicant's claim(s). (\$ 330.00 )

\$ 330.00

☐ An appeal BRIEF is attached in triplicate in the pending appeal of the above-identified application (\$ 330.00)

\$

☐ Credit for fees paid in prior appeal without decision on merits

-\$ ( )

☐ A reply brief is attached in triplicate under Rule 193(b)

(no fee)

☒ Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months; \$1480.00/4 months)

\$ 950.00

SUBTOTAL \$ 1280.00

☐ Applicant claims "Small entity" status, enter 1/3 of subtotal and subtract

-\$ ( )

☐ "Small entity" statement attached.

SUBTOTAL \$ 1280.00

Less month extension previously paid on

-\$ ( 0.00)

**TOTAL FEE ENCLOSED \$ 1280.00**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYTE P.C.  
By Atty: Alan M. Kagan, Reg. No. 36,178

Signature: Alan M. Kagan

08/04/2004 CCHAU1 00000069 09771942

01 FC:1401 330.00 OP  
02 FC:1253 950.00 OP

Adjustment date: 01/31/2005 SDIRETA1  
08/04/2004 CCHAU1 00000069 09771942

01 FC:1401 -330.00 OP  
02 FC:1253 -950.00 OP

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Repln. Ref: 01/31/2005 SDIRETA1 0011144500  
DAH:141140 Name/Number:09771942  
FC: 9204 \$1280.00 CR

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